

REMARKS

This application is amended in a manner to place the application in condition for allowance in view of the Decision from the Board of Patent Appeals and Interferences.

Status of the Claims

Claim 18 is amended to include the features of claim 34.

Claims 35 and 37-39 are amended as to form.

Claims 32-34 are cancelled.

Claims 18-25, 30, 31, 35-48, 57 and 58 are pending.

Claims 22, 24, and 25 were withdrawn from consideration.

Claim Rejections-35 USC §103

Claims 18-21, 23, 24, 30-48, 57, and 58 stand rejected under 35 U.S.C. 103(a) as being unpatentable over SMITH et al. U.S. 7,078,005 B2 (SMITH) over BEILFUSS et al. U.S. 2001/0021711 A1 (BEILFUSS). This rejection is respectfully traversed.

The claimed preservative of independent claim 18 comprises (a) at least one formal and (b) at least one emission-reducing additive comprising urea. The ratio of formal to emission-reducing additive is from about 100:1 to about 10:1 of the preservative.

SMITH was offered for teaching a H₂S scavenger product comprising (i) a reaction product of a carbonyl-containing compound with alcohol, thiol, amide, thiamide, urea or thiourea, and (ii) an amine, e.g., N,N'-methylene-bisoxazolidine. The scavenger product is dissolved into a suitable solvent, such as glycol, and may be with or without water.

SMITH discloses that this scavenger product comprises at least 60% of a reaction product, which is formed by reacting starting materials such as a carbonyl group-containing compound with an alcohol, thiol, amide, thioamide, urea or thiourea. The amount of amine in the scavenger product of SMITH is up to 40%. (See, e.g., column 6, lines 39 to lines 63.)

As SMITH fails to suggest that the H₂S scavenger product has a formal, BEILFUSS was offered for teaching bactericidal and fungicidal liquid preparations for industrial products comprising at least one bactericidal N-formal, with N,N'-methylenebis (5-methyloxazolidine) being preferred. BEILFUSS discloses 1-99% in a composition (See, e.g., paragraph [0018]). The position was that one of ordinary skill in the art would have been motivated to include N,N'-methylenebis (5-methyloxazolidine) in the product of SMITH because of its known bactericidal properties and effectiveness in industrial products.

However, this combination does not teach the claimed ratio of a formal to an emission-reducing additive which

comprises urea from about 100:1 to about 10:1 of the preservative.

Moreover, there is no recognition of the advantageous result of selecting a ratio in this range. As discussed in the present specification at item 4 page 17 (Determination of formaldehyde emissions of preservatives) to page 19, the results of comparative results show that a weight ratio of 98/2 to 95/5 [N,N'-methylene bis(5-methyloxazolidine)/urea] is advantageous in terms of reduced formaldehyde emission. As neither document suggests this result, it is an unexpected result.

Thus, independent claim 18 and dependent claims 19, 21-23, 30, 31, 35-48, 57 and 58 are not rendered obvious, and withdrawal of the rejection is respectfully requested.

Conclusion

In view of the amendment to the claims and the foregoing remarks, this application is in condition for allowance at the time of the next Official Action. Allowance and passage to issue on that basis is respectfully requested.

Should there be any matters that need to be resolved in the present application, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any

overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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